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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Note verbale dated 29 January 1996 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights*

The Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights and has the honour to transmit herewith a study by the Government of the Republic of Iraq entitled "Impact of the embargo on the economic, social and educational situation in Iraq".

The Centre for Human Rights is kindly requested to consider this study as a document of the fifty-second session of the Commission on Human Rights under agenda item 5.

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* Issued in Arabic and English only.

Annex

[Original: Arabic]

Impact of the economic embargo on the economic, social and cultural situation in Iraq

(Paper submitted by the Government of the Republic of Iraq to the fifty-second session of the Commission on Human Rights under agenda item 5)

1. As everyone is aware, since August 1990 Iraq has been placed under a comprehensive embargo, affecting all fields and aspects of daily life, in accordance with Security Council resolution 661 (1990) of August 1990. Since that time, the Iraqi people have been suffering from the inhuman effects of that embargo, which have had a direct impact on all their human rights.

2. In the social field, the deterioration is reflected in the Iraqi public health indicators, particularly those relating to children, who are among the age groups most severely affected by environmental and health conditions. A UNICEF study published in document E/ICEF/1994/P/L.23 in April 1994 confirmed that the infant mortality rate had risen from 28 to 64 per 1,000 live births during the period from 1990-1994, while the child mortality rate had risen from 48 to 80 per 1,000 live births during the same period.

3. The statistics of the Iraqi Ministry of Health concerning child mortality show an evident increase in the number of deaths among children. In fact, during the period from August 1990 to August 1995, the number of deaths among children amounted to 230,547 under the age of five and 393,732 over the age of five, i.e. a total of 624,279 children. The lack of nutrients has caused various diseases, such as iodine and iron deficiency, which lead to anaemia. The statistics compiled by the Iraqi Ministry of Health in 1994 show that 53.3 per cent of pregnant women suffered from that disease which, in addition to vitamin A deficiency, also affected 73.6 per cent of non-pregnant women.

4. The ongoing embargo has caused a sharp decline in the standard of living and in the ability of citizens to meet their needs, particularly for food. In the case of many sections of society, this has led to a decline in their immunity from diseases. The mortality rate among children under five years of age has risen as a result of the lack of milk and medicine and there have been many cases of births requiring intensive care mainly because of malnutrition among pregnant women.

5. The number of cases of malnutrition and protein deficiency increased from a monthly average of 41 in 1990 to 2,337 in 1995, i.e. 57 times higher, and the number of cases of emaciation increased from 433 in 1990 to 20,743 in 1995, i.e. 48 times higher. With regard to infectious diseases, the incidence of measles increased from 5,715 cases in 1989 to 6,399 cases in 1993, while the incidence of mumps rose from 4,639 cases in 1989 to 46,961 cases in 1993 and the incidence of cholera rose from zero to 1,217 cases in 1991, 976 cases in 1992 and 1,345 cases in 1994. The incidence of typhoid likewise increased from 1,819 cases in 1989 to 24,436 cases in 1994 and similar increases were

also recorded in the incidence of malaria and meningitis. For further details, reference can be made to the UNICEF report of September 1995 entitled "The status of children and women in Iraq".

6. The Preventive Health and Environmental Protection Department confirmed the outbreak of a severe cholera epidemic in the Autonomous Region where 340 cases were reported in the governorates of Sulaimaniya and Arbil as a result of the lack of health care and controls in that region. That severe epidemic was attributable to the difficult circumstances with which that region is faced, as well as the internecine fighting among various fifth-columnist groups and the neglect of vitally important service institutions in the absence of central management and supervision of the drinking water supply, the lack of control over foodstuffs and commercial establishments, the non-sterilization of water, the theft of machinery and equipment used in public facilities, the sale and misuse of chlorine intended for the sterilization of drinking water, and the accumulation of refuse, etc.

7. The ongoing embargo has led to a decline in the standard of health care due to shortages of medical equipment, medicines and requisites for laboratory tests, as a result of which the rapid and accurate diagnosis of diseases has become difficult.

8. Studies by international missions, including the delegation of the Food and Agriculture Organization of the United Nations (FAO) that visited Iraq during the period from 14 to 28 June 1993, have confirmed that the government supply system meets only 45.7 per cent of per capita food-basket needs. The FAO report published in August/September 1993, concerning the food forecasts for 1993-1994, indicated that the food situation of a large section of the population of Iraq was continuing to deteriorate at a dangerous rate owing to the serious food supply problems; the low-cost food allocations provided by the State covered only part of the average per capita calorific needs and those food allocations could not be supplemented from the markets in view of their exorbitant prices.

9. During its visit to Iraq from 25 July to 1 September 1995, the FAO delegation estimated that the food basket supplied through the ration card system was currently providing only about 34 per cent of the average calories available to adult citizens in 1988-1989. The situation was further aggravated by the fact that the ration card was based largely on starches and lacked foodstuffs with a flour, sugar and animal protein content. The delegation concluded that, from the nutritional standpoint, the food basket could be regarded as life-sustaining but the situation had deteriorated to an extent that could not be remedied through the United Nations system and its various organizations. The only realistic solution to the problem of the frightful deterioration in the food supply was to enable Iraq to import food in order to meet its nutritional needs.

10. The delegation recognized the fact that Iraq was faced with an acute shortage of basic foodstuffs in 1995-1996 and recommended, inter alia, the rapid adoption of the necessary measures, through an appropriate and agreed mechanism, to enable Iraq to import the items needed to feed its people. The foreign currency required for that purpose was estimated at US$ 2.7 billion.

11. An analytical study on the application of the Convention on the Rights of the Child in Iraq, which was published by UNICEF in November 1995, used the FAO food purchasing power index (FPPI) to show that the ratio of the lowest monthly salary to the total cost of the food basket for a family consisting of six persons had declined from about 3.62 in 1990 to about 0.15 in 1993 and 0.06 in 1995, which constituted a nutritional disaster.

12. The study also contained extracts from the FAO delegation's report for 1995 to the effect that the items on the ration card supplied about 34 per cent of the calories needed and that, in order to supplement this to about 66 per cent, a family consisting of five individuals and an infant would have to pay about 99,374 dinars, while the average income of 70 per cent of Iraqi families ranged from 5,000 to 6,000 dinars per month. In other words, the cost of food was 16.56 times higher than the average income.

13. The study calculated that the cost per calorie for an Iraqi had increased from about 0.250 fils in 1988 to about 154.16 fils in 1995; i.e. the threshold of abject poverty stood at 11,266.60 dinars per month.

14. The embargo has also led to a sharp drop in the standard of services since almost all the clean water supply networks and pumping stations were destroyed during the war, as a result of which the pumping rate declined from 45 million cubic metres per month before the aggression to 9 million m^3 after the aggression, although it subsequently increased to 18 million m^3 after some of the war damage was repaired. The capacity of the water purification projects also declined by 60 to 80 per cent owing to the non-availability of the spare parts needed to keep the plants running.

15. In the educational sector, every year it has become increasingly difficult to meet the educational requirements of academic institutions in spite of the exceptional endeavours that have been made and notwithstanding the resort to potential substitutes in this regard. The ongoing embargo has also had a profound psychological impact on most pupils and students, as well as their teachers, at the various stages of education and has caused severe problems that had never before been experienced in the Iraqi education system.

16. The embargo halted the implementation of agreements with foreign companies for the supply of school requisites and the Security Council's Sanctions Committee refused to release $10 million from Iraq's frozen assets abroad to meet the requirements of the major national religious campaign to teach the Qur'an. The Committee also refused to permit a Pakistani company to supply Iraq with a quantity of lead pencils to be used by pupils and students in their studies. It has become difficult to supply school chairs for students owing to the non-availability of the raw materials needed for their manufacture and it has likewise become difficult to supply other educational requirements such as blackboards, pens, chalk and school copybooks. The plan for the expansion of school buildings, in which provision was made for 3,973 new schools during the period 1990-1996, has been totally suspended.

17. The ongoing embargo has led to a large number of drop-outs among kindergarten and school pupils (a total of 18,346 drop-outs during the academic year 1993/94) in view of the high cost of transport, the lack of school meals, the appearance of cases of malnutrition and the proliferation of

diseases and epidemics among students and the lack of educational aids. The number of drop-outs among students, at the primary, intermediate, secondary and vocational stages of education amounted to 127,742 in 1992/93 and 130,960 in 1993/94. The shortage of teaching personnel at the various levels amounted to 102,152 male and female teachers during that year, in which a further 1,918 teachers dropped out.

18. In the field of foreign cultural relations, most of the agreements between Iraq and other countries of the world have been frozen and Iraqi researchers and scholars are participating to a much lesser extent in the activities and work of international cultural committees. Many Iraqi schools abroad have been closed and the number of foreign students studying in Iraq declined from 520 to 209 in the academic year 1993/94. The practice of sending Iraqis to study abroad has also been halted.

19. In actual fact, the people of Iraq are today facing veritable destruction by a weapon that is just as dangerous as weapons of mass destruction; this weapon is the economic embargo which, over a period of more than five years, has so far led to the death of 1 million persons, half of whom were children. This destruction, which is a form of genocide inflicted on the Iraqi people, is a crime punishable under international law regardless of whether it is committed in time of war or peace. Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide defines acts of genocide as including the killing of members of an ethnic or religious group, causing serious bodily or mental harm to members of the group, or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

20. The continued imposition of the economic embargo on Iraq, for which there is no longer any justification following the elimination of the causes that led to its imposition and now that Iraq has fulfilled its obligations under the relevant Security Council resolutions, unquestionably constitutes a flagrant violation of human rights in Iraq and is totally incompatible with the provisions of article 1 of the International Covenants on Human Rights and particularly the final sentence of paragraph 2 thereof, which stipulates that: "In no case may a people be deprived of its own means of subsistence". It is evident that this provision constitutes an imperative rule that is binding on the international community, including the Security Council, since the wording "in no case" is absolute and applies to all cases.